

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

KEVIN DEMETRIUS HOWARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 122-069
	)	
THE UNITED STATES OF AMERICA,	)	
et al.,	)	
	)	
Defendants.	)	

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**ORDER**

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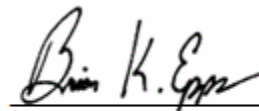
Plaintiff, proceeding *pro se*, filed the above-captioned case on May 27, 2022. (Doc. no. 1.) Because he is proceeding *pro se*, on June 8, 2022, the Court provided Plaintiff with basic instructions regarding the development and progression of this case. (Doc. no. 7) The Court explained Plaintiff is responsible for serving Defendants in accordance with Federal Rule of Civil Procedure 4 and directed the Clerk of Court to attach a copy of Rule 4 to the June 8th Order so that Plaintiff could determine the appropriate method of service for each Defendant. (Id. at 1.) The Court specifically informed Plaintiff, under Fed. R. Civ. P. 4(m), he had ninety days from the complaint filing to accomplish service and that failure to accomplish service could result in dismissal of individual Defendants or the entire case. (Id.) The time allowed for service has elapsed, and there is inadequate evidence in the record that any Defendants have been served. The only evidence of Plaintiff's service efforts is the summons, which the Clerk of Court issued on June 7, 2022, and Plaintiff's bare statement in

his motion of default judgment that he served Defendants on June 24, 2022—a motion District Judge J. Randal Hall denied as “there [was] no proof on the record that Plaintiff has properly served any of the named Defendants in compliance with Rule 4.” (Doc. no. 17, p. 2. )

Rule 4(m) empowers courts with discretion to extend the time for service when a plaintiff demonstrates good cause for failing to timely serve process or any other circumstances warrant an extension of time. Henderson v. United States, 517 U.S. 654, 662-63 (1996); Lepone-Dempsey v. Carroll Cnty. Comm’rs, 476 F.3d 1277, 1282 (11th Cir. 2007); Horenkamp v. Van Winkle & Co., 402 F.3d 1129, 1132 (11th Cir. 2005).

Accordingly, Plaintiff shall have fourteen days from the date of this Order to explain the reason(s) for the delay in service of process and why this case should not be dismissed without prejudice for failure to timely effect service. The Court **DIRECTS** the Clerk of Court to attach a copy of Rule 4(m) to this Order for Plaintiff’s perusal.

SO ORDERED this 8th day of September, 2022, at Augusta, Georgia.



BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA